



**MINUTES OF A REGULAR MEETING OF THE
UPLAND PLANNING COMMISSION
WEDNESDAY, SEPTEMBER 22, 2021
AT 6:30 P.M.**

1. CALL TO ORDER OF THE PLANNING COMMISSION REGULAR MEETING

Chair Aspinall called the Regular Meeting of the Upland Planning Commission to order at 6:30 P.M in the Council Chamber of Upland City Hall.

2. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by *Commissioner Anderson*.

3. ROLL CALL

MEMBERS PRESENT: Chair Aspinall, Commissioners Anderson, Caldwell, Grahn, Johnson, Mayer, and Shim

MEMBERS ABSENT: None

ALSO PRESENT: Development Services Director and Planning Commission Secretary Dalquest, Deputy City Attorney Maldonado, Associate Planner Winter, Administrative Analyst Davidson

4. APPROVAL OF MINUTES

Moved by *Commissioner Anderson*, to approve the Minutes of the Planning Commission meeting of July 28, 2021, as amended by Chair Aspinall.

The motion was seconded by *Commissioner Mayer*.

The motion carried by the following vote (7-0):

AYES: Chair Aspinall, Commissioners Anderson, Caldwell, Grahn, Johnson, Mayer, and Shim

NAYS: None ABSTAINED: None

ABSENT: None

5. COUNCIL ACTIONS

Development Services Director Dalquest advised that the City Council met on August 9th and September 13th and noted each meeting had one reportable item. On August 9th the City Council approved an Encroachment License Agreement for the installation of an electronic changeable copy sign for Upland High School. On September 13th the City Council considered a design for a new neighborhood park on a city-owned property located on the northwest corner of 9th Street and Bodenhamer Street. He reported the City originally received an offer to sell the property but decided to use it as a neighborhood park. He noted the park will be improved using park fees but since the fees were collected outside of the park area, findings will need to be made under the Quimby Act to use those fees. He reported the item has been continued to the September 27th meeting. He advised it is a 12,000 square foot lot that will include a dog park, a children's play area, and a picnic area.

6. FUTURE AGENDA ITEMS

Development Services Director Dalquest reported the next Planning Commission meeting will be on October 27th and will include two public hearings. He advised one public hearing may be Zoning Code Amendments to the Accessory Dwelling Unit (ADU) Ordinance will add the ability to build a two-story detached ADU if the lot is at least 15,000 square feet and setbacks are adequate. He advised the definition of a multi-family lot and zoning, and single-family lot and zoning will be further clarified. He reported the second public hearing for a

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Conditional Use Permit at 1810 West Foothill Boulevard to sell guns at a store that currently sells gun accessories.

In response to *Chair Aspinall's* inquiry, *Development Services Director Dalquest* reported the bill signed by Governor Newsom last week will not impact ADUs per se. He advised that Senate Bill (SB) 9 is mandatory and allows for a lot to be split under certain criteria even if it is zoned single-family and be as small as 1,200 square feet. He noted SB 9 is applying standards that are not appropriate for suburban areas. He explained SB 10 is not mandatory but sets the groundwork to adopt an ordinance under SB 10.

8. ELECTION

Commissioner Anderson nominated *Chair Aspinall* to the position of Chair.

AYES: *Commissioners Anderson, Caldwell, Grahn, Johnson, Mayer, and Shim*

NAYS: *None* ABSTAINED: *Chair Aspinall*

ABSENT: *None*

Newly elected *Chair Aspinall* called for nominations for the position of Vice Chair.

Commissioner Mayer nominated *Commissioner Grahn* for the position of Vice Chair.

AYES: *Chair Aspinall, Commissioners Anderson, Caldwell, Grahn, Johnson, Mayer, and Shim*

NAYS: *None* ABSTAINED: *None*

ABSENT: *None*

Commissioner Grahn is elected Vice Chair of the Planning Commission

9. RECESS

The Planning Commission recessed at 6:40 p.m.

The Planning Commission reconvened at 6:43 p.m.

7. ORAL COMMUNICATIONS

Chair Aspinall opened oral communications. Seeing no members of the public wishing to address the Commission, *Chair Aspinall* closed oral communications.

10. PUBLIC HEARING

**A. STREET VACATION NO. 20-0001, TENTATIVE PARCEL MAP NO. 20-0001 (TPM 20269),
CONDITIONAL USE PERMIT NO. 20-0011 (SELF-STORAGE FACILITY), CONDITIONAL USE
PERMIT NO. 20-0012 (DRIVE-THROUGH FACILITY), DEVELOPMENT PLAN REVIEW NO.
20-0014, AND ENVIRONMENTAL ASSESSMENT REVIEW NO. 20-0008. (STAFF PERSON:
JOSHUA WINTER)**

Consideration of a recommendation to the City Council on the following project located at 1382 East Foothill Boulevard (APN: 1046-141-08) within the Commercial/Office Mixed-Use (C/O-MU) zoning district:

1. Making findings of General Plan Conformity for Street Vacation No. SV-20-0001 to vacate a 0.16-acre portion of the East Foothill Boulevard Right-of-Way at the southeast corner of Foothill Boulevard and Alta Avenue; and

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2. Tentative Parcel Map No. 20-0001 (TPM 20269) to subdivide 2.73 acres into two (2) parcels, with Parcel 1 being 2.05 acres and Parcel 2 being 0.68 acres; and
3. Conditional Use Permit No CUP-20-0011 for the development of a four (4) story, 153,331 square foot indoor self-storage facility, with 3,881 square feet of commercial tenant space on 2.05 acres; and
4. Conditional Use Permit No. CUP-20-0012 for a 2,583 square foot drive-through facility on 0.68 acres; and
5. Development Plan Review No. DPR-20-0014 for the approval of the site design, architectural design, and landscape design of the project.

CEQA Determination: Pursuant to State CEQA Guidelines Section 15378, the proposed Project is a project under CEQA. The finding for General Plan Conformity for the Street Vacation is Statutorily Exempt from environmental proceedings pursuant to Article 5, Section 15061(b)(3). The project is also Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15315, Minor Land Divisions, and Section 15332, In-Fill Development Projects.

Applicant: Nancy Bane, Sorsirs, Inc.

Appeal Period: The Planning Commission's decision is a recommendation to the City Council.

Associate Planner Winter introduced the project to the Planning Commission. He noted the Planning Commission is not acting on the project tonight but simply making a recommendation to the City Council. He explained the Street Vacation request and indicated the Street Vacation was consistent with the General Plan. He explained the Tentative Parcel Map request and reported the request would result in two new parcels, with one containing three condominium lots. He provided a brief overview of the site plan and circulation patterns of the project site, including the drive-through location. He advised that a Condition of Approval is included requiring a Development Plan Review for the drive-through come back to the Planning Commission as the design may change with the future operator. He reported the status of the egress easements on the site, and provided an overview of the landscaping, architecture, building height, use operations and environmental assessment.

Associate Planner Winter advised staff recommends the Planning Commission adopt a Resolution making findings for the General Plan conformity, adopt a second resolution recommending the City Council approve the storage facility Tentative Parcel Map and Conditional Use Permit, and adopt a third resolution recommending the City Council approve the Conditional Use Permit for the drive-through facility.

In response to *Commissioner Johnson's* inquiry, *Associate Planner Winter* advised the drive-through renderings are temporary and could change depending on the drive-through operator. *Commission Johnson* reported he has been surveying the area and advised the point where customers would start to order crosses the lane from the southbound side, so it makes no sense and is a bit of a problem. He further advised the road narrows on the eastbound side of Foothill Boulevard going in and depending on the success of the drive-through there may be a traffic issue. He explained a customer driving east on Foothill Boulevard would make a right turn into the parking area and go over the street area and make a left turn where customers are exiting going north and makes no sense.

Development Services Director Dalquest explained the rendering is a conceptual site plan. He advised the area in question is a 30-foot-wide driveway which is more than enough for interior circulation in two directions. He clarified the site may change depending on the drive-through tenant. *Commission Johnson* stated he looks forward to seeing the final site plan to determine if there is a circulation issue. *Development Services Director Dalquest* requested the Applicant address the concern.

Commissioner Caldwell expressed concern with some of the circulation inside the project. In response to *Commissioner Caldwell's* inquiry, *Associate Planner Winter* advised the only trash enclosure that is going to be built is in the southeast corner and the others were options for the drive-through tenant. He advised the trash

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enclosure located on Foothill Boulevard will not work but may be one of the two other identified locations. She inquired if trash enclosures are located inside the building and *Associate Planner Winter* deferred to the Applicant.

Commissioner Caldwell expressed concern about where large cardboard boxes would be broken down and placed. *Associate Planner Winter* advised Burrtec Waste Industries reviewed the conceptual design and found there was adequate space for the anticipated amount of waste that would be generated by the use if it is serviced a couple of times per week.

In response to *Commissioner Caldwell's* inquiry, *Associate Planner Winter* advised the trash enclosure for the commercial space is in the southeast corner. He noted the Applicant will own the whole site so they could potentially carve out allowing tenants to use the other trash enclosure when it is built. She noted the Applicant intends to subdivide the property, so the City needs to be cognizant to address concerns before a parcel is sold.

In response to *Chair Aspinall's* inquiry, *Associate Planner Winter* explained just the drive-through pad is conceptual and everything else that is seen on the rendering will be built. *Development Services Director Dalquest* explained the Planning Commission is approving the CUP for the drive-through facilities and noted if a different site plan is developed it will be brought back before the Planning Commission. *Associate Planner Winter* confirmed the site plan is already conditioned to be brought before Planning Commission should it change.

In response to *Commissioner Caldwell's* inquiry, *Associate Planner Winter* confirmed there is active shared access for the site and the Red Hill Plaza. In response to *Commissioner Mayer's* inquiry, *Associate Planner Winter* deferred to the Applicant on how they plan on addressing the Reciprocal Access Easement (REA) because they are actively working on it.

In response to *Vice Chair Grahn's* inquiry, *Associate Planner Winter* confirmed there are apartments to the south of the site in proximity to Parcel 2 and they are not on the same grade. *Vice Chair Grahn* expressed concern regarding the sound attenuation that might be associated with this project. *Associate Planner Winter* explained that other than best management practices for construction and the limitation on hours of operation, there is an existing six-foot block wall on the south side that will be landscaped with a row of trees to mitigate sound attenuation. He advised staff does not anticipate any noise concerns because there will be low traffic use that only produces 250 trips per day and noted the trucks being received are typically box-type trucks.

Vice Chair Grahn noted he likes the use of what appears to be a brick on the elevation which seems to have a lot more character than just a smooth finish new brick. In response to *Vice Chair Grahn's* inquiry, *Development Services Director Dalquest* recommended having a condition of approval to ensure the City is getting the used brick look that is depicted in the elevations.

Commissioner Mayer noted having questions for the Applicant regarding the scale of the brick.

In response to *Chair Aspinall's* inquiries, *Associate Planner Winter* advised there is a gate off Memorial Park Road and one on the east side of the site. *Chair Aspinall* expressed security concerns and noted she will ask the Applicant how they intend for that to work at nighttime. *Associate Planner Winter* also clarified the five-foot side yard is supposed to be to the west. He also corrected that the setback on the storage building to the east is 40 feet, on the west is 15 feet, to the south is about 53 feet, and the drive-through building on the west is 100 feet. *Associate Planner Winter* clarified the site plan is right and noted he made a mistake on the table. He clarified for the storage building 82 feet from the property to the north, the west property line is 15 feet, the south property line is 53 feet, and the east property line is 40 feet. He advised for the drive-through the north property line is about 30 feet, the west property line is 15 feet, the east property line is 100 feet, and the south property line is 50 feet.

In response to *Chair Aspinall's* inquiries regarding electric vehicle parking and the access and parking easement, *Associate Planner Winter* advised there will be two electric vehicle charging stations and explained it is required by the Building Code. *Development Services Director Dalquest* advised the City Attorney reviewed the easement and the interpretation from the Applicant's attorney and concurs with their interpretation of the easement. He advised it would be a civil matter between the Applicant and the adjacent property owner.

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Chair Aspinall expressed concern regarding the height but noted the setbacks may mitigate this and inquired about the possibility of a lawsuit regarding the easement based on the street vacation. *Development Services Director Dalquest* advised the standard condition is to indemnify the City on the approval. *Associate Planner Winter* reported once the Street Vacation is cleared by the Planning Commission and the City Council, the Applicant will have to submit final plans to the Public Works Department who will prepare the final map and approvals including a title search. He explained if the property is owned in fee by the City the Applicant will be required to purchase the property which will require an appraisal and a determination of fair market value.

Chair Aspinall opened the public hearing.

Nancy Bane, Applicant, Sorsirs, Inc. DBA as the Storage District, clarified this is a very preliminary site plan for the drive-through and noted the building was put on the site to maximize what the total building area would be which is 2,100 square feet, which is the size of most fast-food locations but believe it will have a smaller footprint.

Ms. Bane reported she has been in development for over 30 years and has worked in-house with retail, hotels, and childcare. She advised when 9/11 happened she lost her job in the hotel field and fell into the self-storage industry. She advised she has brought in some of the hotel design elements. She advised the site is a perfect storm of retail elements, design elements, and a mixed-use project with a fast-food component that will greatly improve the site as far as the look and appeal to the public. She presented a video animation of the preliminary site design.

Ms. Bane reported her company is about to open a new facility in Chino Hills off the 71 Freeway and Soquel Canyon Parkway. She advised it is a more contemporary design based on design input from the City. She noted it is a pad site within a business park that is anchored with an existing hotel, Denny's restaurant, strip retail, a Starbucks, an Archibald's Hamburger, and presented renderings of the location. She provided renderings of another project in El Cajon which has the same brick industrial look as presented but noted it is a much smaller site with no retail. She advised she is showing design elements of other projects because she wants to show the Planning Commission that design is an important element to Sorsirs, Inc. and noted she has no problem having a specific brick being a condition of approval.

Ms. Bane advised the project is consistent with the General Plan. She noted one of the questions raised was about the cross-easement and cross-circulation document that dates to 1985. She reported the owners of Red Hill Plaza are here tonight and may have some comments that they want to address. She provided a rendering and noted the blue hatched area indicates the easement area about what is in the Reciprocal Easement Agreement (REA) between the two parties. She advised that REA shows they have 100% right to all the parking spaces on Red Hill Plaza but clarified they are not counting those spaces. She advised the grayed-in area is part of the Street Vacation and includes parking that Red Hill Plaza does not have currently have the right to use under the REA. She explained when Sorsirs Inc. acquires that she hopes that parking will be included in the REA. She further explained Red Hill Plaza ends up with more parking stalls than they currently have in the blue hatched area. She advised Red Hill Plaza has 23 parking stalls under the existing REA and they are proposing 39 parking stalls. Lastly, she advised only two cars park there regularly.

Ms. Bane reported a large Eucalyptus tree fell over on Foothill Boulevard and was removed by the City and hopes it will not happen again once it is vacated and turned into a nice drive-through.

Ms. Bane provided a brief overview of the site's Landscape Plan and provided renderings of the elevations. She advised the video does not show the trees. She advised many food retailers who pre-pandemic did not want a drive-through are now interested in them as well as outdoor seating areas.

Ms. Bane reported she met with the Economic Development Advisory Group who then made a recommendation to the City Council at the time and were very supportive of the project. She advised self-storage has services that have increased since the onset of the pandemic and noted two of her family members use them for their businesses. She believes a big shift in self-storage is on the horizon and noted the publically traded companies are planning on increasing rents from 7% to 15% based on the demand.

Ms. Bane referenced *Commissioner Caldwell's* concern regarding the trash enclosures and noted one of the misconceptions of self-storage is that it generates a lot of trash which she clarified it does not. She believes it

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would be adequate to identify two trash enclosures if necessary, although she feels one is sufficient. She explained that even if the properties are sold, the CC&R's still dominate how and when it is managed and maintained.

In response to *Commissioner Caldwell's* inquiry, *Ms. Bane* explained each site will have a parking lot by code but there will also be shared parking. She explained self-storage does not generate a lot of traffic, so the parking demand is very small. She explained the NOKE system is new to the self-storage industry and operates like a smartphone system so customers will be able to open their unit with their smartphone or a key fob. She advised the system tracks who has been in the facility and tracks entry and exit times. She further explained the system keeps customers from areas they do not have access to such as not being able to go to the 3rd floor if they have a second-floor unit.

In response to *Chair Aspinall's* inquiry, *Ms. Bane* advised the area behind the storage facility is like the area behind a grocery store but believes her facility is better because the gate can be controlled along with having security cameras. She clarified the gate is always shut and is opened for each tenant. She explained once tenants move in, they typically enter through the front office to pick up smaller items.

In response to *Commissioner Caldwell's* inquiries, *Ms. Bane* reported the road around the facility is two-way for Fire Department access and clarified the customers can exit westbound. She confirmed she has previously developed a storage facility with a retail component. She advised she has a strong long-term history in retail, so she was able to set this site apart from the others. She clarified the signage is sort of a lamp with a stencil and will help retain the look and feel of the old packing house.

In response to *Commissioner Mayer's* inquiry, *Ms. Bane* confirmed there are 28 roll-up doors on the east side that lead directly into a unit. She confirmed they could potentially block the unit but that rarely occurs.

Commissioner Anderson expressed support for the project, noting how much she likes the design and believes this is an important part of the future for the eastern part of the City.

Carlos Vargas, Magellan Architects, clarified the top bricks of the building will be small bricks compared to the typical 8 x 16 block on the bottom of the building. *Commissioner Mayer* expressed support for the project and noted it feels taller with the smaller bricks.

In response to *Commissioner Caldwell's* inquiries, *Mr. Vargas* confirmed the air conditioning units will be screened appropriately and noted they will be located where they will not be seen from the street or residential area. He clarified the windows will be Spandrel Glass and noted the only actual windows where customers can see through are in the commercial area, the leasing office, and a display area advertising the roll-up doors. He confirmed the lights will be lit at night for the dramatic effect. *Commissioner Caldwell* noted it is a very nice and attractive building.

In response to *Commissioner Johnson's* inquiry, *Ms. Bane* advised the market will determine what type of tenant is in demand but believes there is a good chance especially with the COVID concept of outdoor eating. She would love to find an operator who is already in Upland but from a financial standpoint of course they would like to see an A credit tenant. She clarified she hopes to have a destination eatery on the site. *Commissioner Johnson* expressed concern that traffic for a destination eatery could be enormous and referenced the Chick-Fil-A traffic issue at The Colonies. He believes if there are two or three successful eateries in that location with one entrance there could be a huge potential for a traffic jam backing up onto Foothill Boulevard.

Ms. Bane advised she understands the concern and noted that is why a traffic study was conducted. She advised as the developer, they are also very concerned about the traffic. She noted she would love to put an In-N-Out on the property but knows that it will negatively impact the self-storage. She advised it is critical to find the right balance in the tenant mix and noted it is important the tenant does not have too much parking demand.

Dan Kloos, Associate Principal, Linscott, Law & Greenspan Engineers (LLG) explained the traffic generated for the site was run as a fast-casual restaurant type use which is consistent with like an inline food use such as Jersey Mike's or Chipotle. He advised the traffic study accounted for that traffic and then for a fast-food restaurant with a drive-through to account for the traffic. He explained the traffic study is conservative and addresses traffic concerns if those types of uses come into the center.

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Commissioner Johnson expressed concern regarding westbound traffic entering into the site.

Mr. Kloos advised this is a conceptual layout and noted the way the drive-through is laid out is to maximize the stacking for the drive-through. He advised the layout allows the most stacking around the building for the drive-through which equates to 12 vehicles which is adequate for a typical fast-food restaurant. He noted it is not uncommon for vehicles to cross the other direction of traffic to turn into a drive-through and does not see that as a concern.

Associate Planner Winter reported Jack in the Box by the high school has a similar layout and has less stacking than this project. *Commissioner Johnson* does not believe it is designed right for that type of drive-through. *Mr. Kloos* also noted that travel within a center is at very slow speeds so there is a lot more time for decision-making. He reiterated it is not uncommon and the likelihood of onsite circulation is minimal. *Commissioner Johnson* continued to express concern about the traffic circulation. *Ms. Bane* encouraged *Commissioner Johnson* to go out and drive centers keeping in mind this design is very common. She advised she has 15 years of shopping center developer experience, and this is a very common traffic and circulation pattern. She noted the only thing that is changing is that there may be a fast-food restaurant in the center and customers are turning left into the same circulation that currently exists.

In response to *Chair Aspinall's* inquiry, *Associate Planner Winter* advised staff conditioned the Development Plan Review so once the Operator is determined the Applicant will come back with the site plan.

Commissioner Anderson noted there is no traffic, and the actual flow of traffic goes around the building. *Commissioner Johnson* reiterated his concern with the traffic and noted it is very clear to him there is going to be an issue given the renderings and the video. *Mr. Kloos* noted from the data they know of, the typical stacking of vehicles is 8 so this traffic flow which can accommodate the stacking of 12 vehicles exceeds the typical drive-through standard. He advised a management plan to work through potential traffic issues cannot be developed until the Operator is identified.

In response to *Chair Aspinall's* inquiry, *Development Services Director Dalquest* advised the item is coming back to the Planning Commission for approval once the Operator is identified. He explained this is the same situation as the Carl's Jr. at The Colonies. *Chair Aspinall* believes this can be addressed down the road if it moves forward.

In response to *Commissioner Caldwell's* inquiry, *Development Services Director Dalquest* confirmed the Planning Commission is approving the CUP to allow for a drive-through on that parcel. He also advised if the site plan changes, it will come back to the Planning Commission for site plan approval and design. *Associate Planner Winter* advised it is coming back to the Planning Commission regardless of the changes.

In response to *Commissioner Mayer's* inquiry, *Ms. Bane* clarified the blue hatched area in the rendering is the REA. She clarified the intention behind the REA is so people can get from Foothill Boulevard over to the other parking lot and vice versa. *Commissioner Mayer* believes now is the time to create a new REA to make that more defined legally. *Ms. Bane* advised the City Attorney indicated a new REA would be a civil matter and would need to be negotiated with the owners of Red Hill Plaza. She advised they believe they are in a very strong standing, but the circulation as the traffic study indicated has not changed significantly. She noted they took great care to retain the parking and circulation exactly the way it is today and increased the parking. She advised their legal position is that they are not changing anything but simply enhancing it and noted Red Hill Plaza could file a lawsuit against the applicant if they would like.

In response to *Chair Aspinall's* inquiry, *Ms. Bane* clarified while the project did not count Red Hill Plaza's parking stalls in their count, they have the right to do so. She understands the parcel was intended to be one big development and was parceled off for unknown reasons. She believes the cross easement was introduced to be able to provide a left-hand turn lane that they do not currently have at Red Hill Plaza.

Chair Aspinall opened public comments.

David Haberbusch advised he represents Red Hill Plaza. He reported his client's property has tenants who have obtained CUPs that require a certain number of parking spaces. He advised when the applications were made the application indicated that there would be parking on the adjacent property which is now subject to this

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Development Plan. He advised in one instance; a tenant must have 300 parking spaces within very close proximity of their restaurant which Red Hill Plaza does not have. He explained the CUPs will probably become invalidated if this plan is approved because the parking spaces include more than what is in the recorded easement. He reported his client has filed suit seeking the imposition of a prescriptive easement on the subject property on the east side of the subject property along the property line because that is where the parking spaces are located. He confirmed this is a civil matter and the City will not be involved except perhaps as a witness but just wanted to bring it to staff's attention. He believes further examination to determine whether approval of this project would impede or infringe on the CUPs of the tenants in Red Hill Plaza.

In response to *Commissioner Johnson's* inquiry, *Development Services Director Dalquest* clarified the 300 parking spaces Mr. Haberbusch referred to are not under any easement at all. He noted the only easement that exists is the 1988 easement which is shown in the blue hashed area.

Ms. Bane advised she has not been made aware of any lawsuits.

Chair Aspinall closed the public hearing.

Associate Planner Winter addressed the supplemental memo noting there were a few changes to Exhibit A which is the Resolution for Street Vacation and noted the City Attorney indicated the Streets and Highway Code should be referenced where the Government Code is referenced. He advised the same type of change is needed for Exhibit B which is a small correction to the Municipal Code. He advised there is an existing block wall that exists between the park and the proposed storage facility. He advised the Applicant on their plans had indicated they were going to remove it and put a tube steel fence with some columns. He reported the Applicant has reconsidered and wants to save the wall so staff modified the condition in the Resolution so the Applicant will be able to re-finish the wall, install a decorative cap, and run a couple more block lines. Lastly, he advised there were revisions to Exhibits B and C. He noted there is a standard condition of approval for review and compliance. He advised anytime the Planning Commission acts on a CUP all the conditions of approval become enforceable and advised staff also has the ability through the Planning Commission for revocation or modification of procedures. He explained the Applicant indicated the condition would cause a financial issue, so it was removed since the City still retains the power in the Municipal Code.

Development Services Director Dalquest recommended adding two conditions of approval to the motion including one regarding the aged brick on the building and the other regarding an Internal Traffic Circulation Plan prepared by a Traffic Engineer which would be reviewed in plan check.

In response to *Commissioner Anderson's* inquiry, *Development Services Director Dalquest* advised the Planning Commission could add whatever condition it would like to ensure that what is seen on the elevations is conveyed in the construction plans.

In response to *Chair Aspinall's* inquiry, *Development Services Director Dalquest* advised an Internal Traffic Circulation Plan would ensure circulation is safe and there are no incidents.

Commissioner Johnson noted he likes the ambition of the project. He noted that some of his comments may sound negative, but he is just concerned regarding the parking, traffic flow, and ins-and-outs on Foothill Boulevard both east and westbound. He expressed appreciation for the work completed by the Applicant.

Chair Aspinall inquired if any member of the Planning Commission was opposed to re-opening the public hearing. Hearing no opposition, *Chair Aspinall* reopened the public hearing.

In response to *Commissioner Caldwell's* inquiry, *Associate Planner Winter* advised the only easement that has any other party to it would be the Reciprocal Parking and Access Easement. He advised the other easements are infrastructure easements that can be moved. He noted the area that *Commissioner Caldwell* is referencing and believes it is an older vehicle easement.

Ms. Bane believes the area is a utility easement. She advised the area listed as vehicle access ingress is a cross easement for customers to cross the driveway easement. She advised there are no plans to construct a building over the current driveway.

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Development Services Director Dalquest advised the easement is providing ingress and egress, parking, and passage of motor vehicles and pedestrians through the easement area. He advised the site plan is not impeding that at all and noted the circulation is largely the same as it is now. He noted the Applicant's Attorney provided their analysis knowing there was an issue that needed a determination. He advised the City Attorney reviewed the item and concurred with the analysis of the Applicant's Attorney.

Commissioner Mayer noted the circulation pattern continued but not in the prescribed easement. *Development Services Director Dalquest* advised both the Applicant's Attorney and the City Attorney concur on this matter.

Commissioner Caldwell advised it is not clear as to whether some of the properties that are sharing the parking in the Red Hill Plaza area are relying on some of the parking on the subject site. *Associate Planner Winter* advised he has completed a handful of permits for different land uses at Red Hill Plaza and has been able to find that the parking is adequate.

In response to *Commissioner Mayer's* inquiry, *Development Services Director Dalquest* advised exceptions over 40 feet are allowed for architectural projections, a chimney, or those types of uses but the building needs to remain within the maximum building height. He advised approval of the CUP is up to the determination of the Planning Commission.

Chair Aspinall closed the public hearing.

Commissioner Mayer advised he is undecided how he feels about it but believes the Planning Commission should discuss the height of the building. He noted the base zoning says it can be 40 feet and noted the Applicant is asking for more which the Planning Commission needs to approve. He noted there is nothing in Upland close to 40 feet tall with the closest being the YMCA which is approximately 30 feet tall. He expressed concern for the side that is adjacent to the residential properties. He noted the Planning Commission's job is to determine if it will allow the extra height. He expressed concern that once these big buildings start popping up in Upland many developers will be asking for more than 40 feet for a CUP.

Commissioner Johnson referenced the homes that are behind the south block wall and advised he would not want to approve a project that devalues residential homes. *Development Services Director Dalquest* confirmed the property behind the wall is an apartment complex.

Deputy City Attorney Maldonado advised the Planning Commission cannot base its decision on whether the project will increase or decrease the values of homes or apartments or any other property value.

Development Services Director Dalquest advised he is sure the garages are along the property line. *Associate Planner Winter* advised there currently are mature trees that are going to be preserved. *Commissioner Mayer* advised there are balconies on the second floor that will look straight at the proposed site. *Associate Planner Winter* advised he stands corrected.

Commissioner Mayer advised he would like the Applicant to get as much rentable space as possible but noted this is a bigger picture issue with the City and will have precedent for other things in the future.

Commissioner Anderson noted the Planning Commission has made those decisions in the past and recommends reviewing every project based on its merits.

Chair Aspinall advised the Planning Commission can require more trees to be planted as well if they to keep this moving forward

Commissioner Caldwell expressed concern regarding the understanding of the CUP requirements at the Red Hill Plaza and the impact on previous businesses that have already received approval. *Chair Aspinall* advised this is not the Planning Commission's issue to resolve.

Moved by *Commissioner Anderson* to adopt a Resolution making findings of the General Plan Conformity for Street Vacation No. SV-20-0001 to vacate a 0.16-acre portion of the East Foothill Boulevard Right-of-Way at the southeast corner of Foothill Boulevard and Alta Avenue.

**MINUTES OF A REGULAR MEETING
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September 22, 2021

The motion was seconded by *Commissioner Mayer*.

The motion carried by the following vote (7-0):

AYES: *Chair Aspinall, Vice Chair Grahm, Commissioners Anderson, Caldwell, Johnson, Mayer, and Shim*

NAYS: *None* ABSTAINED: *None*

ABSENT: *None*

Moved by *Commissioner Anderson* to adopt a Resolution recommending the City Council approve Tentative Parcel Map No. 20-0001 (TPM 20269) to subdivide 2.73 acres into two (2) parcels, with Parcel 1 being 2.05 acres and Parcel 2 being 0.68 acre, Conditional Use Permit No CUP-20-0011 for the development of a four (4) story, 153,331 square foot indoor self-storage facility, with 3,881 square feet of commercial tenant space on 2.05 acres subject to the required findings and conditions of approval contained in Resolution Exhibit B Self Storage Resolution, and Development Plan Review No. DPR-20-0014 for the approval of the site design, architectural design, and landscape design of the project.

Development Services Director Dalquest advised under the planning conditions there would be Condition 20.11 which would be to require an Internal Traffic Circulation Plan prepared by a Traffic Engineer and approved by staff prior to Building Permit issuance, Condition 20.12 regarding the vintage brick similar to the elevations provided in the packet.

Deputy City Attorney Maldonado requested *Chair Aspinall* ask the Applicant for the record if they agree to the new conditions. *Ms. Bane* agreed to the new conditions.

The motion was seconded by *Commissioner Mayer*.

The motion carried by the following vote (7-0):

AYES: *Chair Aspinall, Vice Chair Grahm, Commissioners Anderson, Caldwell, Johnson, Mayer, and Shim*

NAYS: *None* ABSTAINED: *None*

ABSENT: *None*

Moved by *Commissioner Anderson* to adopt a resolution recommended the City Council approve Conditional Use Permit No. CUP-20-0012 for a 2,583 square foot drive-through facility on 0.68 acre subject to the required findings and the conditions of approval contained in the Resolution Exhibit C-Drive-through Resolution.

The motion was seconded by *Commissioner Mayer*.

The motion carried by the following vote (7-0):

AYES: *Chair Aspinall, Vice Chair Grahm, Commissioners Anderson, Caldwell, Johnson, Mayer, and Shim*

NAYS: *None* ABSTAINED: *None*

ABSENT: *None*

Administrative Analyst Davidson reported the vote for Self-Storage Resolution B as amended passed with a 7-0 vote and will go to the City Council for final approval. She reported the vote for the Drive-Through was passed with a 7-0 vote and will also go to the City Council.

Development Services Director Dalquest explained the actions are being recommended to the City Council because the project includes a legislative action with the Street Vacation so the whole project must go to the highest body which is the City Council. He advised without the Street Vacation the Planning Commission would have been the final acting body for this project.

11. BUSINESS ITEMS

A. RULES AND PROCEDURES FOR THE UPLAND PLANNING COMMISSION

Consideration of a Resolution amending the Rules and Procedures for the Upland Planning Commission as set forth in the Resolution dated September 22, 2021. (Staff Person: Jamie Davidson)

Administrative Analyst Davidson reported this is a housekeeping item the Planning Commission reviews annually and/or periodically as changes are made to City Council Resolutions or as the Planning Commission sees fit. She reported previously the Planning Commission adopted Resolution 4927 amending the rules and procedures of the Planning Commission. She noted the City Council adopted Resolution 6583 in May 2021, resulting in no changes that affected the Planning Commission. Staff is recommending a few minor changes for the Planning Commission's consideration, one being the reorganization of election materials. She advised staff recommends moving the Biography Form as listed in the Planning Commission duties to the section entitled Election Appointments of Terms in Office.

Administrative Analyst Davidson reported staff is proposing two additions with one being the Planning Commission shall review the meeting schedule annually in January. She noted this is typically something the Planning Commission did in August, but in 2019 decided it would be more appropriate to review their meeting schedule at the beginning of the year. She noted it will be added to the resolution so the Planning Commission can set their schedule one year in advance. She advised the 2nd addition is just to refer to old Resolutions the Planning Commission has made regarding their rules and procedures and noted it is a cosmetic change for staff to reference, or anyone in the public to reference later to see what changes have been made. She advised staff recommends updating the old Planning Commission and City Council Resolution numbers as well.

In response to *Councilmember Anderson's* inquiry, *Chair Aspinall* advised the Biography Form is a duty the Planning Commission performs and was voted on a year and a half ago. *Administrative Analyst Davidson* reported there was a discussion in 2019 on whether this was a duty of the Planning Commission. She advised the thinking at the time was that all Commissioners would submit a biography. She advised in conferring with legal counsel Biography Forms would be collected from those who were interested in being nominated.

Chair Aspinall advised it was not required before but noted anyone interested in serving as Chair or Vice Chair would fill out the Biography Form and the other Commissioners voting would have some background on the nominee. She clarified staff is recommending it be moved back to the Election section.

Moved by *Commissioner Anderson* to approve staff's recommendations.

The motion was seconded by *Commissioner Caldwell*.

The motion carried by the following vote (7-0):

AYES: *Chair Aspinall, Vice Chair Grahn, Commissioners Anderson, Caldwell, Johnson, Mayer, and Shim*

NAYS: *None* ABSTAINED: *None*

ABSENT: *None*

12. PLANNING COMMISSION COMMENTS

Commissioner Anderson expressed pride in the residents of Upland for saluting fallen soldier Marine Lance Cpl. Dylan Merola as the procession traveled down Interstate 210. *Chair Aspinall* noted she was driving in from Los Angeles and every overpass was full of residents paying their respects.

13. ADJOURNMENT

Moved by *Commissioner Johnson* to adjourn the meeting to the regular scheduled Planning Commission meeting on October 27, 2021.

The motion was seconded by *Commissioner Mayer*.

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OF THE UPLAND PLANNING COMMISSION**

September 22, 2021

The motion carried by the following vote (7-0):

AYES: Chair Aspinall, Vice Chair Grahn, Commissioners Anderson, Caldwell, Johnson, Mayer, and Shim

NAYS: None

ABSTAINED: None

ABSENT: None

Development Services Director Dalquest reminded the Planning Commission that it has a joint meeting with the City Council on September 23rd to review the Draft Housing Element. He advised the City's consultant will be making a presentation on the document itself. He reported the City had 5,683 units to account for and thanked *Associate Planner Winter* for his hard work on achieving that goal. He advised the next steps will be to submit to the California Department of Housing and Community Development (HCD) for their review, a public hearing for a General Plan Amendment with the Planning Commission, and then lastly a public hearing with the City Council for adoption.

There being no further business to come before the Planning Commission, *Chair Aspinall* adjourned the meeting at 9:09 P.M., to the regular meeting of the Planning Commission on October 27, 2021, at 6:30 P.M.

Respectfully submitted,



Robert D. Dalquest, Secretary
Upland Planning Commission